

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

031 BUREAU OF INSURANCE

Chapter 950: NAVIGATOR CERTIFICATION AND TRAINING FOR HEALTH BENEFIT MARKETPLACES

Section 1. Authority and Purpose

This rule is adopted pursuant to 24-A M.R.S. §§ 212 and 2188, to establish standards and procedures for the certification of navigators to perform the activities and duties identified in 24-A M.R.S. §2188 and Subsection 1311(i) of the federal *Affordable Care Act*.

Section 2. Applicability and Scope

This rule applies to navigators providing services in Maine for a Health Benefit Exchange or Marketplace established pursuant to Section 1311 of the federal *Affordable Care Act* (“the Marketplace”).

Section 3. Certification of navigators

1. *Certification required.* An individual may not serve as a navigator or perform navigator duties on behalf of a navigator organization or business entity as described in 24-A M.R.S. §2188 unless certified in accordance with this section. An organization or business entity that serves as a navigator may not employ, contract with, or allow an individual to perform navigator duties on its behalf unless the individual is certified in accordance with this section.
2. *Examination.* An individual applying for navigator certification must pass a navigator examination administered or approved by the Superintendent and satisfy any applicable qualification standards established by the Marketplace or otherwise required by the *Affordable Care Act* and the regulations thereunder. If the Marketplace requires navigators to pass an examination administered by the Marketplace, the Superintendent may determine that this examination satisfies the requirement of this subsection or may require an additional examination limited to matters that are not fully addressed in the examination administered by the Marketplace.
3. *Application process.* An individual applying for certification as a navigator shall submit to the Superintendent an application and disclosure on the forms prescribed by the Superintendent. Certification will be issued upon the Superintendent’s determination that the applicant has met the requirements specified in 24-A M.R.S. §2188 and this rule.
4. *Reporting of Actions and Material Changes.* Any change of address, telephone number, e-mail address, name or other material change in the conditions or qualifications set forth in the original application of a certified navigator must be reported to the superintendent no later than 30 days after the change. An individual navigator shall report to the

superintendent if the navigator is no longer affiliated with their navigator grantee organization. This requirement includes any conviction of a crime other than a traffic violation or any disciplinary action brought by an insurance regulatory official of any other jurisdiction against the navigator. A navigator shall report to the superintendent any administrative action taken against the navigator in another jurisdiction, by another governmental agency in this State, or by any federal agency, including actions by the Centers for Medicare and Medicaid Services and the Marketplace, within 30 days of the final disposition of the matter. This report must include a copy of the order, consent to order or other relevant legal documents. Within 30 days of the initial pretrial hearing date, a navigator shall report to the superintendent any criminal prosecution of the individual taken in any jurisdiction. The report must include a copy of the initial complaint filed, the order resulting from the hearing and any other relevant legal documents. The failure to report an action or material change in the conditions or qualifications set forth in the original application may result in a late fee or discipline pursuant to 24-A M.R.S. §§ 2188(6) and 1420-K.

5. *Fee.* The Superintendent may require each applicant for certification to pay a fee. If the Superintendent requires a fee, it shall be payable to Treasurer, State of Maine upon submission of the application. The Superintendent may also modify such fee from time to time in any reasonable amount.
6. *Duration.* An individual navigator's certification will expire upon the earlier of the completion of the navigator grantee organization's grant performance period or one year unless a renewal application is submitted and the Superintendent can verify that the applicable training and examination requirements are satisfied.
7. *Termination.* In addition to the grounds specified in 24-A M.R.S. §2188(6), an individual navigator's certification may be suspended, revoked, or terminated if the Marketplace denies, suspends, or terminates the certification of the individual navigator or the navigator grantee organization.
8. *Training requirement.* As a condition of obtaining and maintaining certification, an individual must satisfactorily fulfill all initial and ongoing training standards established by the Marketplace or otherwise required by the *Affordable Care Act* and the regulations thereunder.
9. *Verification of compliance.* If the Superintendent determines that the Marketplace does not have effective procedures for transmitting information to identify individuals who have successfully completed the Marketplace's examination and training requirements, the Superintendent shall require certified navigators and applicants for certification to provide satisfactory proof of compliance.

Section 4. Severability

If any section, term, or provision of this Rule shall be deemed invalid for any reason, any remaining section, provision, or definition shall remain in full force and effect.

Section 5. Effective Date

This rule is effective September 22, 2020.

STATUTORY AUTHORITY:

24-A MRS §§ 212, 2188

EFFECTIVE DATE:

September 22, 2020 – filing 2020-207